

105TH CONGRESS
1ST SESSION

H. R. 837

To improve the administration of the Fair Debt Collection Practices Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1997

Mr. BACHUS introduced the following bill; which was referred to the
Committee on Banking and Financial Services

A BILL

To improve the administration of the Fair Debt Collection
Practices Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Debt Collection
5 Practices Amendments of 1997”.

6 **SEC. 2. AMENDMENTS TO FAIR DEBT COLLECTION PRAC-**
7 **TICES ACT.**

8 (a) NOTICE OF ASSUMPTION OF VALIDITY OF
9 DEBT.—Section 809(a)(3) of the Fair Debt Collection
10 Practices Act (15 U.S.C. 1692g(a)(3)) is amended—

1 (1) by inserting “appearing in type at least as
2 large as 8-point type” after “statement”;

3 (2) by striking “disputes” and inserting “noti-
4 fies the debt collector in writing that”; and

5 (3) by inserting “is disputed,” after “any por-
6 tion thereof,”.

7 (b) COLLECTION DURING 30-DAY PERIOD.—Section
8 809 of the Fair Debt Collection Practices Act (15 U.S.C.
9 1692g) is amended by adding at the end the following new
10 subsection:

11 “(d) COLLECTION ATTEMPTS DURING 30-DAY PE-
12 RIOD.—Except as provided in subsection (b), a debt collec-
13 tor may attempt to collect a debt during the 30-day period
14 described in subsection (a) and may demand that payment
15 be made during such period.”.

16 (c) RELATION TO STATE LAW.—Section 816 of the
17 Fair Debt Collection Practices Act (15 U.S.C. 1692n) is
18 amended—

19 (1) by striking “This title” and inserting “(a)
20 IN GENERAL.—This title”; and

21 (2) by adding at the end the following new sub-
22 sections:

23 “(b) NO REMEDY UNDER THIS TITLE FOR STATE
24 LAW VIOLATIONS.—This title shall not be construed as

1 providing a remedy for any violation of the law of any
2 State with respect to debt collection practices.

3 “(c) NO LIABILITY UNDER THIS TITLE FOR STATE
4 LAW VIOLATIONS.—This title shall not be construed as
5 establishing any liability or penalty for a violation of the
6 law of any State unless the conduct which constitutes a
7 violation of the law of such State also constitutes a viola-
8 tion of any requirement of this title or regulations pre-
9 scribed pursuant to this title.”.

10 (d) ACQUISITION OF INFORMATION.—Section 804 of
11 the Fair Debt Collection Practices Act (15 U.S.C. 1692b)
12 is amended—

13 (1) by striking “Any debt collector” and insert-
14 ing “(a) IN GENERAL.—Any debt collector”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(b) COMMUNICATION WITH PERSONS OTHER THAN
18 ATTORNEYS FOR CERTAIN PURPOSES.—Notwithstanding
19 subsection (a)(6), a debt collector who knows the
20 consumer is represented by an attorney may communicate
21 with any person other than such attorney for purposes of
22 obtaining location, income, asset, or credit information
23 about the consumer if the attorney refuses to provide such
24 information to the debt collector and the debt collector has
25 otherwise complied with subsection (a)(6).”.

1 (e) SAFE HARBOR FOR UNINTENTIONAL VIOLATIONS
 2 RESULTING FROM USE OF APPROVED FORMS.—Section
 3 813(c) of the Fair Debt Collection Practices Act (15
 4 U.S.C. 1692k(c)) is amended by inserting before the pe-
 5 riod at the end “or resulted from the use of a form of
 6 written communication which was approved by any State
 7 or Federal agency which regulates debt collectors”.

8 (f) EXEMPTION OF FEDERAL OR STATE EMPLOYEES
 9 LIMITED TO COLLECTION IN THE COURSE OF EMPLOY-
 10 MENT.—Section 803(6) of the Fair Debt Collection Prac-
 11 tices Act (15 U.S.C. 1692a(6)) is amended by inserting
 12 “while acting as a debt collector for debt owed to the
 13 United States or such State,” after “officer or employee
 14 of the United States or any State.”.

15 (g) “REASONABLE PERSON” STANDARD.—Section
 16 813 of the Fair Debt Collection Practices Act (15 U.S.C.
 17 1692k) is amended by adding at the end the following new
 18 subsection:

19 “(f) ‘REASONABLE PERSON’ STANDARD.—In making
 20 a determination as to whether or not a debt collector has
 21 failed to comply with any provision of this title with re-
 22 spect to any person, the court shall consider the effect of
 23 any act or omission of the debt collector upon a reasonable
 24 person.”.

○